

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES RAMPINO,
Petitioner,

v.

BERNARD BRADY,
Respondent.

Civil Action No. 04-12033-PBS

**MOTION TO ENLARGE TIME TO FILE RESPONSIVE PLEADING TO PETITION
FOR HABEAS CORPUS AND TO FILE MOTION INSTANTER**

Respondent, through counsel, respectfully requests that this Court enlarge the time to file an answer or other responsive pleading one day and to permit filing of the accompanying motion to dismiss instanter. In support thereof, respondent states that:

1. Pursuant to this Court's order of December 6, 2004, respondent's responsive pleading to the petition for habeas corpus was due on Friday, December 17, 2004.

2. An additional day was required in order to complete the final editing and review process for the memorandum in support of the motion to dismiss.

3. Respondent has requested and received two previous extensions of this deadline, which totaled forty days.

4. Respondent's motion to dismiss and memorandum of law in support of the motion are submitted contemporaneously with this motion.

For these reasons, respondent respectfully requests that this motion be allowed, that the time to file respondent's pleading in response to the petition be enlarged, and that respondent's motion to dismiss and accompanying memorandum of law be treated as timely filed instanter.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ David M. Lieber

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Dated: December 20, 2004